

Baiocchi 1-1-36-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): F.A. Baiocchi et al.
Case: 1-1-36-5
Serial No.: 10/673,539
Filing Date: September 29, 2003
Group: 2818
Examiner: Renee R. Berry

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: *Lisa L. Tulpes* Date: July 30, 2004

Title: Metal-Oxide-Semiconductor Device with
Enhanced Source Electrode

TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is the following document relating to the above-identified patent application:

(1) Response to Restriction Requirement.

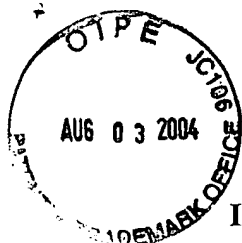
There is no additional fee due in conjunction with the response. In the event of any non-payment or improper payment of a required fee, the Commissioner is hereby authorized to charge or to credit **Ryan, Mason & Lewis, LLP Deposit Account No. 50-0762** as required to correct the error.

Respectfully submitted,

Wayne L. Ellenbogen

Date: July 30, 2004

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Signature: *David L. Thelges* Date: July 30, 2004

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In an Office Action dated June 30, 2004, the Examiner required restriction of claims 1-25 to one of the following two groups of claims: (i) claims 1-9 and 19-25 (Group I); and (ii) claims 10-18 (Group II). Specifically, the Examiner contends that the inventions set forth in Groups I and II are distinct in that "the process as claimed can be used to make other and materially different product" and that "the product as claimed can be made by another and materially different process" (Office Action; page 2, paragraph 2). Applicants respectfully disagree with this contention and respectfully request reconsideration and withdrawal of the requirement for restriction for at least the reasons given below.

Applicants submit that the apparatus set forth in claims 1 and 19 cannot be made by a process other than and materially different from the method set forth in claim 10, and that the method of claim 10 cannot be used to form a product other than and materially different from the product set forth in claims 1 and 19. Accordingly, Applicants assert that claims 1, 10 and 19 should be examined together. The Examiner provides an example in an attempt to show distinctness of the two